

REMARKS

Claims 5-11, 14 and 16-28 are pending in this Application. Claims 10-12 have been canceled without prejudice or disclaimer. Claims 5, 7-9, 13, 14, 17, and 20-25 have been amended, and new claims 26-28 have been added. Care has been exercised to avoid the introduction of new matter. Adequate descriptive support for the present Amendment should be apparent throughout the originally filed disclosure. Applicant submits that the present Amendment does not generate any new matter issue.

Claims 5, 7-14 and 16-25 were rejected under 35 U.S.C. §103(a) for obviousness predicated upon *Buhrmann et al.* (US 5950125, “*Buhrmann*”) in view of in view of *Lee et al.* (US 5974328, “*Lee*”).

In stating the rejection, the Examiner asserted that one having ordinary skill in the art would have been led to modify *Buhrmann*'s location-dependent cellular service profile system by including *Lee*'s mobile device that identifies its location by comparing a basic Trading Area (i.e., the alleged location) with stored information, to associate with pre-stored preferred systems supporting the current location. Applicant respectfully traverses this rejection.

There are fundamental differences between the claimed inventions and the applied references that undermine the obviousness conclusion under 35 U.S.C. §103(a). Specifically, independent claims 5, 7, and 22 recite, *inter alia*: “**generating at a mobile station a message** when the mobile station determines that the apparatus arrives a localized service area, the message indicating that the mobile station is in the localized service area; and causing, at least in part, transmission of the message to a communications system covering the localized service area

to receive one or more services localized based upon the localized service area.” These features are neither disclosed nor suggested by *Buhrmann* and *Lee*.

In particular, *Buhrmann*’s **mobile telephone switching office MTSO** (rather than a “mobile station”) compares the location of the mobile station (Steps 407 in FIG. 4A) to detect whether the mobile station is located within a user zone (~ a localized service area) (Step 411 of FIG. 4A; col. 12, lines 40-46). It was the **MTSO** generates and transmits an indication signal to the mobile station signifying “you are in authorized user zone X” (Step 441 in FIG. 4B), rather than the **mobile station** “generating a message indicating that the apparatus has detected that it is in a localized service area when roaming in cells of a cellular radio network” and then transmitting the message to the communication network as recited in the independent claims.

Buhrmann’s **mobile station** neither detects whether it is in a user zone, nor generates a message to notify the MTSO that it detects itself is in the user zone. *Buhrmann*’s **mobile station** merely provides its mobile ID number, e.g., 609-658-8345 (MIN) to the MTSO in the Step 403 of FIG. 4A, to find out if it is in a user zone. The MTSO periodically tests if the mobile station is still in the user zone (Step 443 in FIG. 4B). When the MTSO detects that the mobile station moves outside of the user zone, it transmits a message to the mobile station signifying that “you are outside of the user zone” (col. 14, lines 45-65).

The patentability of claim 20 is separately argued as follows. *Buhrmann*’s **mobile telephone switching office MTSO** (rather than a “mobile station” as recited in claim 20) stores user zone information associated with a roaming mobile station (col. 2, lines 10-14).

The patentability of claim 25 is separately argued as follows. *Buhrmann*’s user zone is defined as including one or more cells, microcells, picocells, and/or one or more cell, microcell,

and/or picocell sectors (Abstract). *Buhrmann*'s user zone is defined by cells, rather than being defined independently from cells, as recited in claim 25.

Lee fails to compensate for *Buhrmann*'s deficiencies.

Lee's mobile phone identifies a preferred service provider by scanning for one or more System IDs (SIDs) and/or Group IDs (GIDs) and/or Network IDs (NIDs) associated with service providers. The NID indicates the location within that Major Trading Area (MTA) serviced by the mobile phone system. *Lee*'s mobile phone then selects the preferred system using the determined location when roaming (col. 2, lines 27-34). In the US, there are 51 Major Trading Area, such as Washington—Baltimore, San Francisco—Oakland—San Jose, etc., and 493 basic Trading Areas each is a geographic region used by the FCC to define where one or more Personal Communications Services (PCS) can operate.

In particular, the NID indicates the location within that Major Trading Area (MTA) serviced by the mobile phone system. *Lee*'s mobile phone only finds out which **basic Trading Area** (i.e., the alleged location) it is located, and then maps out one or more preferred systems in the basic Trading area that the user subscribes to. *Lee* does not “average the geographic coordinates of the base stations to obtain the current geographic location of the apparatus” as recited in claim 21. In addition, the basic Trading Area (i.e., the alleged location) does not include the current geographic coordinates of the mobile station as recited in claim 25.

It is therefore apparent that even if the applied references are combined as proposed by the Examiner, and Applicant does not agree that the requisite realistic motivation has been established, the claimed invention would not result. *Uniroyal, Inc. v. Rudkin-Wiley Corp.*, 837 F.2d 1044 (Fed. Cir.1988). Applicant, therefore, submits that the imposed rejection of claims 5,

7-14 and 16-25 under 35 U.S.C. §103(a) for obviousness based on *Buhrmann* in view of *Lee* is not factually or legally viable and, hence, solicits withdrawal thereof.

Claims 6 was rejected under 35 U.S.C. §103(a) for obviousness predicated upon *Buhrmann* in view of *Lee* and *Alperovich et al.* (US 5819180, “*Alperovich*”).

This rejection is respectfully traversed.

Specifically, claim 6 depends from independent claim 5. Applicant incorporates herein the arguments previously advanced in traversing the imposed rejection of independent claim 5 under 35 U.S.C. §103(a) for obviousness predicated upon *Buhrmann* in view of *Lee*. The additional reference to *Alperovich* does not cure the previously argued deficiencies in the attempted combination of *Buhrmann* and *Lee*. Accordingly, even if the applied references were combined as proposed by the Examiner, and again Applicant does not agree that the requisite fact-based motivation has been established, the claimed inventions would not result. *See Uniroyal, Inc. v. Rudkin-Wiley Corp., supra*. Applicant therefore submits that the above-identified rejection encompassing claim 6 under 35 U.S.C. 103(a) are not factually or legally viable and, hence, solicits withdrawal thereof.

New Claims 26-28.

New claims 26-28 depends from independent claim 7. Applicant submits that claims 26-28 are free of the applied prior art for reasons advocated *supra* with respect to independent claim 7.

Moreover, these claims are patentable on their own merits. For example, claim 26 recites “causing, at least in part, transmission of a notification indicating that the mobile station

determines that the mobile station departs the localized service area to change reception of the one or more services.” Claim 27 recites that the localized service area is defined in a chronological term, a temporal dimension, or a combination thereof. Claim 28 recites that the one or more services include call pricing, call prioritization, a modulation method limitation, a communication data rate, communication connection quality, routing of incoming data to the mobile station or another mobile station, activation or inactivation of automatic call transfer, activation or inactivation of a voice mail service, or a combination thereof.

Accordingly, claims 26-28 are free of the applied prior art.

Therefore, the present application, as amended, overcomes the rejections of record and is in condition for allowance. Favorable consideration is respectfully requested. If any unresolved issues remain, it is respectfully requested that the Examiner telephone the undersigned attorney at (703) 519-9952 so that such issues may be resolved as expeditiously as possible.

To the extent necessary, a petition for an extension of time under 37 C.F.R. §1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 504213 and please credit any excess fees to such deposit account.

Respectfully Submitted,

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Date

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